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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,157	09/08/2003	Tadatsugu Ishii	1614.1361	1339
21171	7590	04/02/2008	EXAMINER	
STAAS & HALSEY LLP			VAN BRAMER, JOHN W	
SUITE 700				
1201 NEW YORK AVENUE, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			3622	
			MAIL DATE	DELIVERY MODE
			04/02/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,157	ISHII, TADATSUGU	
	<b>Examiner</b>	<b>Art Unit</b>	
	John Van Bramer	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 9/8/2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9803,123107</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 rejected under 35 U.S.C. 102(b) as being anticipated by Fredregill et al. (U.S. Patent Number: 5,923,016).

Claims 1, 8, 15 and 17: Fredregill et al. discloses a point system, method, server, and apparatus in which predetermined points are generated in response to a purchase of an item being sold comprising:

- a. A user terminal having an item specification unit that is used by a user to specify the item being sold. (Col 4, line 9 through Col 5, line 55; and Col 10, line 36 through Col 11, line 30)
- b. A provider terminal connected to the user terminal via a network, and including: a user points maintaining unit that is arranged to add the generated points to an already accumulated points of the user and maintain the resulting points of the user. (Col 4, line 9 through Col 5, line 55; and Col 10, line 36 through Col 11, line 30)
- c. A user points processing unit that is arranged to allocate the points of the user maintained in the user points maintaining unit to a subtotal for the purchase of

the specified item being sold. (Col 4, line 9 through Col 5, line 55; and Col 10, line 36 through Col 11, line 30)

- d. Wherein, the user points processing unit is further arranged to be capable of increasing the points of the user maintained in the user points maintaining unit and allocating the increased points to the subtotal for the purchase of the specified item being sold when the user purchases the item being sold during a predetermined time period or in a case where a condition relating to the user satisfies a pre-designated condition. (Col 4, line 9 through Col 5, line 55; and Col 10, line 36 through Col 11, line 30)

Claims 2 and 9: Fredregill et al. discloses the point system and method as claimed in claims 1 and 8, wherein the case in which the condition relating to the user satisfies a pre-designated condition is arranged to be a case in which the item being sold specified by the user corresponds to a pre-designated item. (Col 4, line 9 through Col 5, line 55; and Col 10, line 36 through Col 11, line 30)

Claims 3 and 10: Fredregill et al. discloses the point system and method as claimed in claims 1 and 8, wherein the case in which the condition relating to the user satisfies a pre-designated condition is arranged to be a case in which a price of the item being sold specified by the user corresponds to a pre-designated price. (Col 4, line 9 through Col 5, line 55; and Col 10, line 36 through Col 11, line 30)

Claims 4 and 11: Fredregill et al. discloses the point system and method as claimed in claims 1 and 8 , wherein: the case in which the condition relating to the user satisfies a pre-designated condition is arranged to be a case in which a time-frame of introduction of the user-specified item to the market corresponds to a pre-designated time. (Col 4, line 9 through Col 5, line 55; and Col 10, line 36 through Col 11, line 30)

Claims 5 and 12: Fredregill et al. discloses the point system and method as claimed in claims 1 and 8, wherein: the case in which the condition relating to the user satisfies a pre-designated condition is arranged to be a case in which a sales situation of the item being sold specified by the user corresponds to a pre-designated sales situation. (Col 4, line 9 through Col 5, line 55; and Col 10, line 36 through Col 11, line 30)

Claims 6 and 13: Fredregill et al. discloses the point system and method as claimed in claims 1 and 8, wherein: the case in which the condition relating to the user satisfies a pre-designated condition is arranged to be a case in which the already accumulated points of the user correspond to pre-designated points. (Col 4, line 9 through Col 5, line 55; and Col 10, line 36 through Col 11, line 30)

Claims 7 and 14: Fredregill et al. discloses the point system and method as claimed in claim 1 and 8, further comprising: an increased points indicator that is arranged to

indicate the increased points of the user. (Col 4, line 9 through Col 5, line 55; and Col 10, line 36 through Col 11, line 30)

Claim 16: Fredregill et al. discloses the point system server as claimed in claim 15, wherein: the point system server is connected to the user serving apparatus via a network. (Col 7, lines 13-33)

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JV  
/J. V./  
Examiner, Art Unit 3622

/Eric W. Stamber/  
Supervisory Patent Examiner, Art Unit 3622